

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
EMMA GUNTER,

Plaintiff,

- against -

ORDER  
08-CV-0498 (RRM) (LB)

LONG ISLAND POWER AUTHORITY/KEYSPAN,

Defendant.

-----X  
MAUSKOPF, United States District Judge.

By Motion filed July 28, 2010, Defendant moved for Summary Judgment [Doc. No. 37]. By Order entered July 30, 2010, this Court referred that motion to the assigned Magistrate Judge, the Honorable Lois Bloom, for a Report and Recommendation. On February 15, 2011, Judge Bloom issued a Report and Recommendation (the "R&R") (Doc. No. 46) recommending that Defendant's motion be granted in part and denied in part, and further recommended that this case be stayed so that Plaintiff may present surviving state law claims to the Defendant for its administrative review. On March 23, 2011, both Plaintiff and Defendant filed timely objections to the R&R. After reviewing those objections, the Court has determined that it does not require any response to those objections.

When reviewing a Report and Recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). When a party raises an objection to a Report and Recommendation, "the court is required to conduct a *de novo* review of the contested sections." *See Pizarro v. Bartlett*, 776 F. Supp. 815, 817 (S.D.N.Y. 1991).

Based upon a *de novo* review of Judge very thorough and well-reasoned R&R, the factual and procedural record upon which is based, and both Plaintiff's and Defendant's objections, the R&R is adopted in all material respects. Accordingly, it is hereby ORDERED that:

- 1.) Defendant's motion for summary judgment is GRANTED as to Plaintiff's discrimination claim under the Equal Credit Opportunity Act ("ECOA"), her equal protection claim, all claims brought under 18 U.S.C. §§ 242 and 245, all claims brought under the New York Public Service and Social Services Laws, and any claims brought on behalf of an individual other than Plaintiff Emma Gunter;
- 2.) Defendant's motion for summary judgment is DENIED as Plaintiff's due process claim and claims that defendant violated 12 C.F.R. § 202.5, subdivisions (c) and (d)(1), and the ECOA notice requirement;
- 3.) This matter is stayed so that Plaintiff may assert claims arising under Defendant's Tariff to the Defendant for administrative review, which claims must be filed by Plaintiff within 30 days of the date of this Order;
- 4.) Defendant shall apprise the Court of the status of Plaintiff's administrative complaint within 60 days of its filing, and every sixty days thereafter or upon its resolution, whichever is sooner; and
- 5.) This case is administratively closed without prejudice to any party's right to reopen upon letter application within 15 days of the resolution of Plaintiff's administrative complaint or other event that would permit these proceedings to move forward.

SO ORDERED.

Dated: Brooklyn, New York  
March 29, 2011

/S/

---

ROSLYNN R. MAUSKOPF  
United States District Judge